

Appl. No. 10/538,570
Amdt. dated July 22, 2008
Reply to Office action of March 25, 2008

Amendments to the Drawings:

The Applicant has discovered that reference numeral "10" has been inadvertently omitted from Figure 1 of the drawings, as filed. To remedy this omission, the Applicant now encloses a marked-up drawing sheet showing the proposed correction and, to expedite prosecution, a substitute formal drawing sheet that incorporates this correction.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102. Thus, the Applicant believes that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification amendments

Various amendments have been made to the specification to correct minor inadvertent grammatical, punctuation, spelling, idiomatic and formal errors.

To facilitate entry of these amendments, a substitute specification is submitted herewith. In accordance with the provisions of M.P.E.P. Section 608.01(q), the Applicants have also enclosed a "marked-up" copy of the specification showing these amendments. The substitute specification contains the same changes that are shown in the marked-up copy of the specification. The substitute specification introduces no new matter into the application.

Drawings

The Applicant has discovered that reference numeral "10" has been inadvertently omitted from Figure 1 of the drawings, as filed. To remedy this omission, the Applicant now encloses a marked-up drawing sheet showing the proposed correction and, to expedite prosecution, a substitute formal drawing sheet that incorporates this correction.

The Applicant now requests the Examiner's approval of this minor correction.

Status of claims

To simplify the Examiner's understanding of the claims and expedite their prosecution, the Applicants, rather than re-writing their claims to include numerous changes, have simply canceled their prior claims 1-13 and substituted new claims 14-26 there for.

The new claims have been drafted to provide enhanced clarity over the prior claims and more precisely define the invention, where necessary, over the prior claims; and conform to the dictates of proper US claim practice.

The following table shows the correspondence between the originally filed claims and those now pending.

Present Claim	Original Claim(s)	Present Claim	Original Claim(s)
14	1	22	9
15	2	23	10
16	3	24	11

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17	4	25	12
18	5	26	13
19	6	27	--
20	7	28	--
21	8		

As indicated, no prior claim corresponds to either of new dependent claims 27 or 28.

Rejection under 35 USC § 102

The Examiner has rejected prior claims 1-13 under the provisions of 35 USC § 102(b) as being anticipated by the teachings of the '923 Dedrick patent (United States patent 5,717,923 issued to R. Dedrick on February 10, 1998). Inasmuch as all these claims have now been canceled, this rejection is moot. Nevertheless, since the Applicant has replaced these claims with new claims 14-26, then, to expedite prosecution, this rejection will be discussed in the context of these new claims and principally with respect to new independent claim 14. In that context, this rejection is respectfully traversed.

Specifically, the Examiner believes that the '923 Dedrick patent identically discloses all the limitations of prior claim 1. As the Examiner will soon appreciate, this conclusion is incorrect with respect to independent claim 14 (as well as the Applicant's other independent claims 20 and 26).

The '923 Dedrick patent, as noted in col. 1, lines 27-30 thereof, is directed to the problem of how to customize the delivery of electronic information to particular characteristics of each individual end user (recipient) of an electronic information distribution network. To do so and as

summarized in col. 2, line 5 et seq, the patentee teaches the concept of establishing a personal profile database in a client system that stores information for each end user of that client. Having this information, the client system compares each item of electronic information it receives for each of its users with that person's profile and then customizes that item of information, based on the comparison, for subsequent display. The client also monitors actions taken by that user, including user inaction, with respect to each such item of information ultimately presented to that user and updates that person's profile accordingly.

As schematically shown in Figure 1 and discussed in col. 2, line 62 et seq, networked system 10 taught by the '923 Dedrick patent includes a number of client systems 12, each pair of which is connected to a respective metering server 14. All of the metering servers are then connected to various servers, including clearinghouse servers 20, regional content servers 21 and "yellowpage" servers 22, all of which, in turn, are themselves connected to publisher server 18. Each client system 12 is illustratively a personal computer operated by an end user. Metering servers 14 primarily interconnect pairs of client systems as well permit those client systems to communicate with other components of the networked system. Publisher server 18 provides content, which may include advertising, as input to the system.

The Examiner correctly recognized that, as described in col. 3, lines 37-58, each of the client systems provides its end user with a graphical user interface (GUI). This interface contains various fields through which the user can enter data constituting "consumer variables". These variables refer to

demographic, "psychographic" and other information which collectively form the personal profile for that user, specifically profile 27 as shown in Figure 2. Demographic information relates to vital statistics for that end user, such as age, gender, income and marital status. Psychographic information refers to lifestyle and behavioral characteristics of the end user, and can include information relating to likes and dislikes, color preferences, personality traits and so forth. The end user enters the requested profile information through the GUI of his/her client system. As expressly described in col. 6, line 4 et seq, the personal profile is not only stored in a client system, but to provide enhanced security can be encrypted and stored on the client system itself, or stored in encrypted form in removable non-volatile media, such as flash memory card, that can be used with any such client system:

"In one embodiment, the information in personal profile database 27 is protected from access by anyone other than the individual who is associated with the information. For example, the information may be protected on a computer by encrypting the profile when it is not in use. Alternatively, the information may be stored on a removable nonvolatile storage device, such as a PCMCIA Flash memory card. Thus, an individual may remove the Flash-based profile card from a computer and thereby remove the risk of exposure of private information to other individuals operating in the network system 10. In addition, since the profile is removable, individual end users can move a profile from computer to computer, such as between office and home.

All of the information stored on the removable storage device is also encrypted. ..."

Also, see col. 17, lines 3-5 which expressly reiterate that profile data for a user is stored on the client system of that user:

"The user profile data corresponding to individual end users is stored in the client systems of those end users."

Within client system 12, as shown in Figure 2 and described in col. 6, line 33 et seq, content adapter 25 customizes each incoming item of electronic information for its end user based on data in that user's personal profile 27. Since the actual manner through which the information is customized is not relevant to the ensuing discussion, it will not be addressed in any detail.

The present invention has absolutely nothing to do with customizing downloaded electronic content based on a user profile, let alone content that is to be provided to users of an electronic information distribution network.

Broadly speaking, the present invention is directed to configuring preference settings of a user, some of those settings are to be used for configuring operation of a user terminal, such as a mobile telephone, while other such settings are to be used by a remote server for configuring operation of a network, such as communications network, as required by the terminal for use of the network by the user.

Specifically and as discussed in page 1, line 16 et seq of the present specification (all page references being made to the Applicant's substitute specification filed herewith), a user can configure his mobile telephone to his/her preferences such as

by changing, e.g., security settings, display contrast, language used by a user interface display or appearance of a built-in clock. Similarly, a user can configure a terminal, such as a PC, by customizing a displayed desktop background picture, changing color schemes and event sounds as well as features related to accessibility of menus and/or certain functionality. When a user employs a user terminal, be it a mobile telephone or a PC, for communications, the user may also need to make changes in a communications network, either a data network (WAN, such as the Internet) or a telephone network, before using the terminal with that network. These settings may include, e.g., providing a redirection number to use for call forwarding or activating a voice mailbox located in the network.

A problem has arisen in the art, particularly applicable to the use of pushed content, that, as discussed in paragraph [0008] et seq, a user's current status, e.g., mood, mode, or environment, cannot be detected at a certain moment and/or location. Consequently, without that information, whether automatically detected or specifically provided by a user, a provider of pushed content runs a significant risk of providing certain content at the wrong moment in time for that user, i.e., when the user is least likely to want it and may even be adversely disturbed by it. For example, it may be quite undesirable for an advertiser to push an advertisement for snacks or the like to a user's mobile telephone, and without the user's approval, while that user is engaged in a business meeting. User status information of that sort simply cannot be detected by the advertiser, or more generally a sender, or even the communications network. Consequently, the absence of such information can seriously hinder the attractiveness and expansion of pushed content delivery. Although users have become quite

accustomed to setting their mobile terminals to any of a number of different user profiles, the settings associated with any of those profiles have been local settings just for use by the terminal and not detectable by either a sender or the network.

To surmount this problem and thereby, inter alia, increase the utility of pushed content services for mobile telephone users, the present Applicant teaches the concept of setting through the user's terminal not only local preferences, i.e., usable by the terminal itself to configure its own operation, but also non-local preferences which will be used by a remote server to configure the operation of the network as then required by the terminal for use by that user.

To accomplish this and as described in paragraph [00010] et seq, and paragraph [00026] through paragraph [00038], a user preferences setting page is downloaded to the terminal by a remote server. This page contains various fields through which the user can enter parameter settings, in this case preferences. Once the page is displayed on the mobile terminal, the user can simply complete that page by indicating his/her preference for each of the fields. Some of these preferences, such as ring tone settings, display colors and the like, will be retained within that terminal itself and used by the terminal to configure its own operation based on specific preferences of that user. Other parameters entered through the page, such as which information, in terms of its form and/or information content, may or may not be sent to the terminal and when, will be communicated by the terminal to the server and stored therein for used to configure the operation of the network. Different user preference pages (also called "mood pages") can be associated with different user situations or environments, e.g., one for when the user is in a

"business" environment, another when the user is on "vacation" (holiday), another when the user is at a romantic setting, and so forth. Each page will have its own set of associated local and non-local user preferences as set by the user for its corresponding situation. The user can store each of these different pages in a remote server, e.g., portal server 9 shown in Fig. 1, for subsequent retrieval through that person's mobile terminal and ultimately use at the appropriate time, e.g., when the user is entering a business meeting or embarking on a vacation, etc. From any such accessed page, that person's terminal will store and use the associated "local" settings (preferences) while sending the "non-local" settings to an associated server on the network for storage thereat and use in configuring the operation of the network, as then required by the terminal, for its use by the user.

Broadly speaking and as the Examiner can clearly appreciate, the '923 Dedrick et al patent, simply being directed to locally customizing items of incoming electronic content for a user through use of a locally stored profile, i.e., on a client PC, contains no teachings whatsoever related to configuring a communication network.

Moreover and with specific applicability to the present invention, the '923 Dedrick patent contains no teachings related to a user setting, through his/her terminal, "local" preferences, for storage and use by the terminal itself in configuring its own operation to those preferences, and "non-local" preferences for communication to, storage at and use by a server in the network for use in configuring, in accordance with those particular preferences, operation of the network as then required by the terminal for subsequent use by that user.

Inasmuch as the problem faced by the patentee of the '923 Dedrick patent has no relevance to the problem addressed and solved by the present Applicant, there are simply no teachings, suggestions or disclosures in that patent which, when presented to a person of ordinary skill in the art then faced with the problem addressed by the present Applicant, would lead that person of skill to the present invention, as now claimed.

New independent claim 14 contains suitable recitations directed at these and other distinguishing features of the present invention. This claim recites as follows, with its principal distinguishing recitations shown in a bolded typeface:

"Apparatus for one of a plurality of user terminals adapted for use within a network and by a user, the network connecting said one user terminal with a server, the one user terminal comprising:

means for mutually interacting with the server via the network; and

means for setting, by the user, local user preferences valid for the one terminal itself and non-local user preferences valid for the network, the local user preferences being stored within the one user terminal and used in configuring operation of the one user terminal for use by the user, and the non-local user preferences being communicated, by the one user terminal and the network to the server, for storage by the server and for use in configuring operation of the network as required by the one user terminal for use by the user." [emphasis added]

Thus, in the absence of these, among other, claimed features being disclosed, let alone identically, in the teachings of the '923 Dedrick patent, the Applicant submits that claim 14 is not anticipated by those teachings. Accordingly, claim 14 is patentable under the provisions of 35 USC § 102(b).

Each of new dependent claims 15-19, directly or indirectly, depends from new independent claim 14 and recites further distinguishing aspects of the present invention over those recited in claim 14. Hence, the Applicant submits that each of these new dependent claims is also not anticipated by the teachings of the '923 Dedrick patent for the exact same reasons set forth above with respect to claim 14. Consequently, each of these dependent claims is also patentable under the provisions of 35 USC § 102(b).

Each of the Applicant's other new independent claims, i.e., claims 20 and 26, are system and method claims, respectively, that contain highly similar, parallel distinguishing limitations to those recited in claim 14. Hence, the Applicant submits that each of these two new independent claims is also not anticipated by the teachings of the '923 Dedrick patent for the exact same reasons set forth above with respect to claim 14. Consequently, each of these two claims is also patentable under the provisions of 35 USC § 102(b).

Each of new dependent claims 21-25 and depends, directly or indirectly, respectively, from new independent claim 21. Further, each of these dependent claims recites additional distinguishing aspects of the present invention over those recited in claim 20. Hence, the Applicant submits that each of new dependent claims is also not anticipated by the teachings of the '923 Dedrick patent for the exact same reasons set forth above with respect to claims 14 and 20.

Lastly, each of new dependent claims 27 and 28, which have no corresponding original claims, depends from independent claim 26 and recites additional distinguishing aspects of the

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present invention over those recited in claim 26. Thus, the Applicant submits that each of these two new dependent claims is also not anticipated by and hence is patentable over the teachings in the '923 Dedrick patent for the same reasons set forth above with respect to claims 14 and 26.

Therefore, this rejection should now be withdrawn.

Conclusion

Consequently, the Applicant believes that all the pending claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

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Signature

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